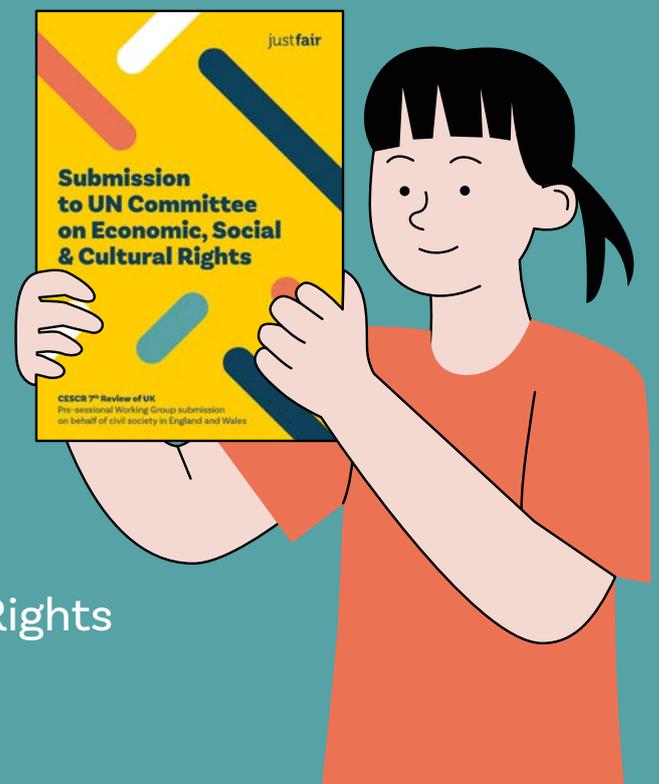


# Setting the scene - economic, social, and cultural rights in the UK: A companion guide



**The 7th review of the UK**  
by the United Nations Committee  
on Economic, Social and Cultural Rights  
January 2023

# Introduction

This guide has two aims.

The first is to provide a summary of the independent parallel report on the International Covenant on Economic, Social and Cultural Rights (ICESCR), written on behalf of civil society in England and Wales and submitted to the United Nations Committee on Economic, Social and Cultural Rights (UN CESCR) ahead of its next review of the UK.

The second is to lay out some of the background to this report, including an introduction to economic, social, and cultural rights, what a review of these rights by a UN committee looks like, and where the independent parallel report fits into the review process.



# Contents

Introduction	2
Background	4
Economic, social, and cultural rights: an explainer	5
The state of human rights in England and Wales: highlights from our report	7
Articles 6, 7 and 8 – Right to work	8
Article 9 – Right to social security	10
Article 10 – Protecting the family	12
Article 11 – Right to an adequate standard of living	14
Article 12 – Right to health	17
Article 13 – Right to education	19
Timeline of process	21

# Background

In July 2022 Just Fair were commissioned by the Equality and Human Rights Commission ([EHRC](#)) to prepare an independent parallel report on the International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)), on behalf of civil society in England and Wales, ahead of the United Nations Committee on Economic, Social and Cultural Rights (UN CESCR) next review of the UK (the project).

The aim of the project was to empower and support civil society to hold the UK and Welsh Governments to account for their obligations under ICESCR. The project involved:

- Consultation with a wide range of civil society organisations (CSOs) on evidence and recommendations to promote and protect economic, social, and cultural rights in England and Wales.
- Raising the understanding, awareness, and capacity of CSOs, through webinars and events of the ICESCR review process.
- Drafting and submitting to the UN an independent, accurate, and comprehensive report co-signed by a coalition of CSOs and stakeholders from across England and Wales.

The completion and submission of the report is an important first step in the ICESCR review process.

The UK has signed, ratified, and agreed to be bound by 7 out of 9 UN human rights treaties,<sup>1</sup> including ICESCR. Each treaty has a group of independent experts (a committee) who oversee how well people in the UK can enjoy their rights and where the UK Government and devolved governments need to improve their work to realise these rights.

Our report will be sent to the committee that oversees ICESCR to help them understand the state of economic, social and cultural rights across England and Wales since they last reviewed the UK in [2016](#). This committee is called the UN Committee on Economic, Social and Cultural Rights (UN CESCR).

Check out the 'Next Steps' section of this guide for a fuller explanation of what the review process by UN CESCR will look like.

---

1 [International Convention on the Elimination of All Forms of Racial Discrimination](#)  
[International Covenant on Economic, Social and Cultural Rights](#)  
[International Covenant on Civil and Political Rights](#)  
[Convention on the Elimination of All Forms of Discrimination against Women](#)  
[Convention against Torture and Other Cruel, Inhuman or Degrading Treatment](#)  
[Convention on the Rights of the Child](#)  
[International Convention on the Rights of Persons with Disabilities](#)

# Economic, social, and cultural rights: an explainer

Economic, social, and cultural rights (ESCR) are recognised in international human rights law as the essential conditions needed to live a life of dignity and freedom. They include the right to food, housing, social security, health, education, work & workers' rights.

Human rights are recognised in international treaties that the UK was instrumental in bringing to life. One of these treaties is the International Covenant on Economic, Social and Cultural Rights (ICESCR) – you can read our plain English version of this treaty [here](#).

The ICESCR is an international human rights treaty that was ratified by the UK in 1976. It establishes that all of us across Great Britain and Northern Ireland are entitled to certain human rights.

States must take measures to the maximum of their available resources with the aim of achieving, progressively, the full realisation of economic, social, and cultural rights. This is the principle of [progressive realisation](#).

In addition, States have an obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights. This is known as the '[minimum core obligations](#)'.

However, while these rights are binding in international law, we can't currently take the UK Government or devolved governments to court if our rights are violated because we don't have these rights in our domestic laws across the UK.

So, the crucial missing step is the incorporation of economic, social, and cultural rights into domestic law. If these rights were incorporated into domestic law, the UK's governments would have to act to protect people and if they didn't, we could (as a matter of last resort) take legal action.

As noted in the box below, there is movement in Scotland to enshrine these rights in Scots Law through the Human Rights Bill, and in Wales discussions have started about a [Welsh Human Rights Bill](#) to incorporate these rights.

Making these rights part of our domestic law would help us build a more equal and just UK.

This could mean the [benefit cap](#) and the [two-child limit](#) would be unlawful at current levels and there could be no question of cuts to our already-low levels of social security. The minimum wage would have to be a genuine living wage.

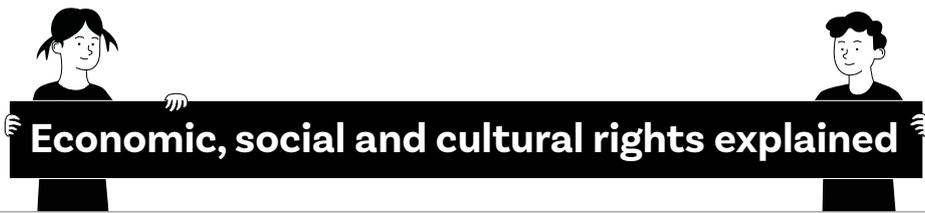
Had these rights been in our domestic law across the UK, they would have helped address many of the crises we have seen in recent years – relating to austerity measures, the Covid-19 pandemic, and the rising cost-of-living.

It is time that we took decisive action for the future. Enshrining our economic, social, and cultural rights into law means creating real and legally enforceable protections so people are protected from future crises.

## Scotland

In March 2022, the Scottish Government announced plans to develop a new Human Rights Bill which would incorporate the International Covenant on Economic, Social and Cultural Rights (as well as various other UN treaties) into Scots Law.

This Bill would bring about a major change to the human rights landscape in Scotland and mean that a wide range of economic, social, and cultural rights could be directly relied on by people in Scotland (for example, in cases against public bodies).



## Economic, social and cultural rights explained

### The right to work & rights at work

- everyone has a right to work and to choose where to work.

People have the right to just and favourable conditions at work meaning fair wages, safe & healthy conditions, and rest & leisure time. People also have the right to join and form trade unions to fight for fair pay and good working conditions.



### The right to social security

- everyone has the right to social security.

This means that governments must make sure there is a social security system that provides money or other support to help people who become sick, are disabled, or fall on hard times.



### Protecting the family

- especially mothers and children

Governments must give special protection and help to the family. This includes everyone being able to choose whether and who to marry, looking after mothers during pregnancy and after birth, helping children for example by protecting them from exploitation, and setting an age below which children must not work.



### The right to an adequate standard of living

- which includes adequate food, housing, and clothing.

Everyone has the right to a quality of living that gets better over time. Everyone should be free from hunger, and live in housing that is affordable, habitable, and secure.



### The right to health

- everyone has the right to the best standard of physical and mental health.

Governments have to make sure babies & children grow up healthy, diseases are prevented, and the environment does not negatively impact health.



### The right to education

- everyone has the right to education

This should be centred around the development of the human personality and a sense of its dignity, it should enable people to participate in a free society.



# The state of human rights in England and Wales: highlights from our report

In July 2022, the Equality and Human Rights Commission (EHRC) commissioned Just Fair to prepare an independent parallel report on behalf of civil society in England and Wales, ahead of the UN CESCR's next review of the UK.

The review process itself will run until summer 2024. As part of our project supporting civil society, we received over 70 [submissions](#) of evidence for the report on a range of issues. Together they indicate the state of economic, social, and cultural rights in the UK.

In the following pages we have included a summary of what people told us about each ICESCR right. We have included this evidence in the report to the Committee. The full report can be accessed [here](#).

Note: We have used a variety of terms to refer to groups of people with protected characteristics throughout the report and in the following pages.

This is because we were led by the terms people submitting the evidence (who often belong to these groups or work closely with them) used in the work they sent us. This approach means that there are a variety of terms used throughout. Please also note that while we hope the submission gives a good overview of the state of human rights in England and Wales, it is not intended to be an exhaustive list. If an issue is not covered, that does not mean it's not important.



# Articles 6, 7 and 8 – Right to work

Everyone has the right to:

- Work, to be free to choose their work, and to defend their rights at work (Article 6).
- Just and favourable conditions at work including a fair wage that allows a person and their family to have a decent life, same pay for work of equal value, safe and healthy working conditions, rest and leisure and paid holidays. (Article 7).
- Join and form trade unions, who come together to fight for fair pay and good working conditions. This includes the right to stop work (strike) when they are not being treated fairly (Article 8).

## What we told the Committee

- In England and Wales these rights are currently under threat.
- Some groups continue to be disproportionately affected by unemployment. This is a consequence of both UK Government policy and inaction which leaves the right to work inadequately protected.
- People seeking asylum are effectively prohibited from working altogether or are subject to significant restrictions on the right to work which places them under acute financial hardship.
- Black communities experience racial and social class barriers in employment and experience discrimination in selection processes, Trans people experience transphobia while seeking employment, and disabled people are often excluded from employment.
- Low pay and an insufficient number of hours are highlighted as key drivers of in-work poverty - the rate of the National Living Wage is too low to ensure a decent standard of living, the use of zero hours contracts (ZHC) means workers can't rely on a secure income and people are not being paid correctly for all the hours that they do work.
- There is increasingly widespread use of 'fire and rehire' or 'fire and replace' where employers require workers to reapply for their jobs on worse terms and conditions, the most high-profile example being a case involving P&O Ferries.
- There is no legal right to be represented by a trade union in collective bargaining except by way of a flawed statutory recognition procedure.
- There is inadequate protection against discipline and unfair treatment short of dismissal for striking workers which interferes with their right to strike.



*“Too many food workers are struggling to earn enough to purchase the very food they produce”*

### **Bakers, Food and Allied Workers Union (BFAWU)**

- Trade union rights are at risk. For example, legislation has been introduced to remove the ban on the use of agency workers to replace striking workers and legislative proposals have been announced to set minimum service requirements in the transport sector.

### **Some numbers**

- Unemployment of Black young people was 41.6%, three times that of unemployment of white young people at the peak of the Covid-19 pandemic.
- 50% of respondents to the Greater Manchester Disabled People’s Panel Big Disability Survey 2022 were not in employment.
- 63% of respondents to the Trans Lives Survey reported experiencing transphobia while seeking employment and this rose to 73% of Black people and People of Colour (BPOC) responding and 69% of disabled people for whom the question was relevant.
- A Joseph Rowntree Foundation report found that 1 in 5 low paid workers want to work more hours than they can find.

### **We want the Committee to ask the UK Government**

- How they are addressing the issue of ‘fire and rehire’ - including ways they are working to monitor and prevent it?
- What steps they are taking to ensure workers, including migrant workers, are being protected?
- What work they are doing to ensure equality of opportunity at senior levels and in self-employment?
- What is being done to secure a real living wage for all workers and enforce protections for the current minimum wage?
- Can they explain the findings by the International Labour Organisation and others that the UK is breaching trade union rights?
- What measures are in place to ensure companies are protecting human rights across their operations and value chains?



# Article 9 – Right to social security

Everyone has the right to social security. This means that governments must make sure there is a social security system that provides money via benefits, or other types of support to help people who need it.

## What we told the Committee

- Social security provision is not adequate. The level at which it is set is not enough to meet essential needs and it has not kept parity with inflation and rises in the cost-of-living.
- Poverty is disproportionately impacting disabled people, women & children, and older people.
- There was a decrease in child poverty due to £20 uplift in Universal Credit support during the pandemic, but this support has been removed.
- The [benefit cap](#) level has been frozen since 2016 despite rising living costs and rents.
- The lack of affordable housing leaves people risking debt and being left in situations where they do not have enough to meet essential needs in terms of basic food, hygiene, fuel and energy, and transport costs.
- The way the social security system operates is problematic including the impact of administrative delays and the 5 week wait for Universal Credit, both of which are pushing people into debt.
- Benefit claimants, including disabled people, find interacting with the social security system to be stigmatising and undignified, including in terms of sanctions and support from work coaches.
- Disability benefits appear to be subsidising basic benefits (which are insufficient) rather than fulfilling their actual purpose – to meet the additional costs of living with an impairment.
- People are excluded and/or experience discriminatory impacts in accessing support.

- [No recourse to public funds](#) (NRPf) is an immigration condition which means people cannot access the social security system, must pay in order to access public healthcare, and have no safety-net should problems such as unemployment or long-term ill-health arise.
- The income support received by people seeking asylum is inadequate and equates to £5.84 per day for all essentials (not including housing or utilities).
- Statutory Sick Pay is the lowest in Europe.

## Some numbers

- Poverty rates from Bangladeshi (53%), Pakistani (48%) and Black (40%) minoritised groups are significantly higher when compared to White people (19%).
- Intersectional characteristics matter - 40% of disabled ethnic minority adults are in poverty compared with 23% of disabled White British adults and older people from Black and Asian communities are around twice as likely to be living in poverty as white pensioners.
- In-work poverty has increased, rising from 13% of in-work households being in poverty in 1996-1997 to 17% in 2019-20.
- Of the applicants to have the NRPf condition removed due to destitution, 85% were women, mostly single mothers and 90% of people affected by the NRPf condition are from Black, Asian, and Minority Ethnic communities.
- Disabled people report that dealing with the social security system is very difficult, with 13% reporting it to be 'impossible.'

## We want the Committee to ask the UK Government

- Why social security provision hasn't been increased in the context of the cost-of-living crisis and rising levels of poverty?
- Why do some people have bad (including discriminatory) experiences when accessing social security support?
- Why are sanctions still used despite evidence it increases poverty?
- What measures are in place to ensure accessibility to the social security system for claimants?
- Whether the UK Government monitors the impact of in-work poverty on children?

*“There was one example of a local mother of two who couldn't afford to pay for both the bus fare to her local job centre as well as feeding her kids, she chose to feed her children and missed her job centre appointment. As a result, she was sanctioned.”*

**Citizens Advice Newcastle**



**Intersectional characteristics matter - 40% of disabled ethnic minority adults are in poverty compared with 23% of disabled White British adults.**

**Older people from Black and Asian communities are around twice as likely to be living in poverty as white pensioners.**

# Article 10 – Protecting the family

---

- Governments must give special protection and help to the family, especially mothers and children.
- Everyone has the right to choose whether to marry and who to marry.
- Governments must protect mothers during pregnancy as well as before and after giving birth, including by making sure working mothers have paid maternity leave. Children must be given special help regardless of who their parents are or what form their family takes.
- Governments must protect children and young persons from exploitation (being taken advantage of) and ban any work that is dangerous to them and punish employers who break these laws.
- Governments must set an age below which children must not work.

## What we told the Committee

- Some children born in the UK are at increased risk of statelessness and face restrictions in their access to register as British citizens.
  - Child poverty rates are both of concern and rising.
  - There is not enough support for families who are subject to the NRPF condition and who are experiencing destitution.
  - Destitution can lead to social service intervention, including threats to take children into local authority care even where there are no other safeguarding concerns present.
  - Government policies such as the two-child limit on Universal Credit and the benefit cap break the link between social security entitlement and need.
  - The impact of the two-child limit and the benefit cap also means there is reduced support for larger families which falls most heavily on children from some minority ethnic groups and exacerbates existing inequalities by ethnicity.
  - There is a lack of affordable childcare which poses a barrier to mothers working.
  - Placement of people with severe learning disability in inpatient settings which can be far away from family and community support impacts both on the individual and their family as family members must travel long distances which can interrupt their relationship and care giving.
  - Legal provisions which require applicants for a gender recognition certificate who are married or in civil partnership to obtain the explicit consent of their partner impact the rights of Trans people.
  - The approach taken in England to protect children and young people's interests is different than in Wales. In Wales, Welsh Ministers and public authorities are required to take the United Nations Convention on the Rights of the Child into account in addition to Welsh laws to further protect children's rights when carrying out their duties.
-

## Some numbers

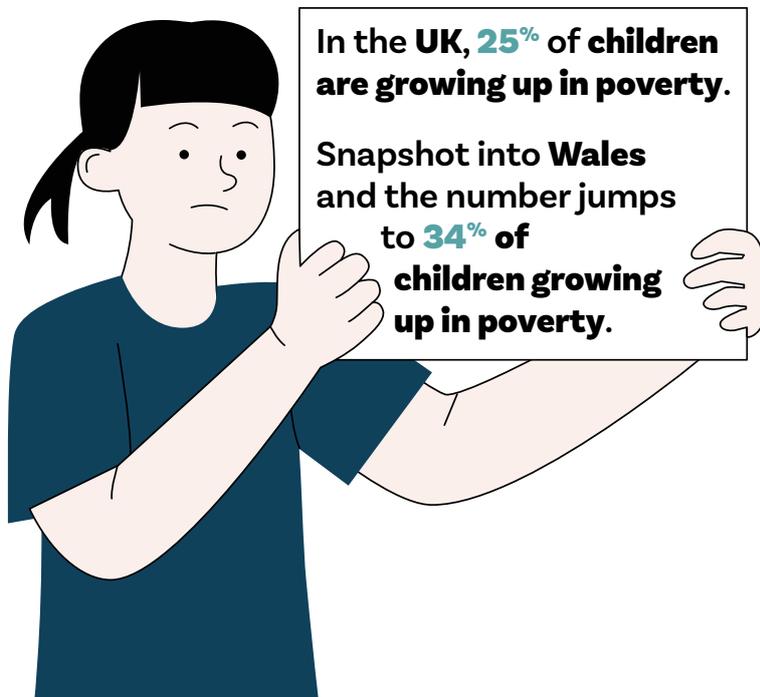
- 1 in 4 children are growing up in poverty in the UK.
- In Wales 34% of children are growing up in poverty.
- The North East of England has the highest proportion of children living in families in receipt of Universal Credit or equivalent benefits – 52% of families compared to a national average of 41%.
- In the North East of England, 99% households subject to the benefit cap are families with children.
- Of the families applying for the support which exists to help families subject to the NRPF condition and experiencing destitution, 60% were wrongly refused support.
- It is estimated that childcare costs for under two-year olds absorb nearly half of women's average earnings which has a disproportionate impact on women's financial security.

*“Many families technically don't fall under the poverty line therefore don't get financial support but are living in conditions in which it's difficult to flourish. They are systematically kept in poverty.”*

## The Kids Network

## We want the Committee to ask the UK Government

- What steps are being taken to address the levels of child poverty in England and Wales?
- What assessment has been made about the impact of the policy of NRPF on children?
- How they are ensuring protection of family rights for learning disabled people placed in inpatient settings?
- What steps are being taken to ensure affordable, funded childcare options exist?



# Article 11 – Right to an adequate standard of living

- Everyone has the right to an adequate standard of living for themselves and their family - this includes good food, housing, and clothing.
- Everyone has the right to a quality of living that gets better over time.
- Everyone has the right to be free from hunger. All governments have the duty to make sure that world food supplies reach everyone fairly so that no one goes hungry.

Governments must work towards making these rights real for everyone, including by working with other governments.

## What we told the Committee

- The right to an adequate standard of living is not being met in the UK, in fact a decline in living conditions is being experienced.
- The number of people accommodated in England in the private rented sector (PRS) in last 30 years has increased due to the lack of genuinely affordable housing and a diminished stock of social housing
- There are calls for no-fault evictions to be banned as their increased use is forcing people into homelessness. There is a need for a system which seeks to rapidly rehouse people who are homeless and prevent homelessness in the first place.
- There is a lack of adequate affordable housing and inadequate support to meet unregulated rental costs in the PRS. The operation of housing benefit freezes and caps contributes to problems, including overcrowding (racially minoritised people are four time more likely to experience overcrowding) and accommodation in a poor state of repair.
- Families experiencing homelessness are left in temporary accommodation for long periods of time and this can be further aggravated by the impact of the NRPF condition.
- People with severe learning disabilities and young people in the social care system both reported difficulties accessing support regarding housing.
- Gypsy and Traveller people still struggle to access culturally appropriate housing. A revised definition of those needing a Traveller pitch, which excluded people who ceased to travel for any reason (including being disabled, having an illness or caring responsibilities, or being of old age) was recently held to be [unlawful](#).
- Provision which exists for Gypsies and Travellers in Wales is overcrowded, in unpleasant locations and has often been designed without the involvement of the Gypsy and Traveller communities and so is not culturally appropriate.
- There has been a lack of required measures to address the right to adequate food with increasing levels of food insecurity and a reliance on food banks.
- Food banks are not a substitute for legally protected rights. The measures adopted by the UK Government are not adequate for addressing the scale of the problem which is set to worsen in the current cost-of-living crisis.

- Barriers identified in relation to the right to adequate clothing include insufficient income which mean that basic needs, including the right to food, clothing, and shelter cannot be met.
- Certain groups are disproportionately impacted by the barriers to accessing adequate clothing, for example, those in receipt of Universal Credit, people seeking asylum, older people, those fleeing domestic violence (predominantly women) and adult males.
- Digital exclusion disproportionately impacts people without bank accounts, those on low incomes, older people, disabled people, people experiencing homelessness and those experiencing digital poverty.
- Those in receipt of welfare benefits who do not have digital skills or easy access to a reliable internet connection experience barriers because the social security system is now administered almost exclusively online. Digital exclusion also means people experiencing homelessness encounter additional barriers to accessing health and dental care.

### Some numbers

- It is estimated that one in five or 14.5 million people are in poverty in the UK.
- Introducing a right to adequate housing into domestic law in Wales would generate significant savings worth £11.5bn against overall costs of £5bn over a 30-year period.
- In the North East of England, 28.2% of properties in the PRS were deemed non-decent in 2020.
- Over 1/5 of households with children in temporary accommodation remained there for over 5 years.
- Temporary accommodation placements are increasing in Wales, with a reported rise of 24% between 2016 and 2020.
- 24% of young people experiencing homelessness identify as LGBT+.

*“The situation people are in is overwhelming. Hygiene poverty, menstrual health needs, these all need to be supported. We rely heavily on donations, but of course donations are going to go down because people can’t afford to donate.”*

### Hull Sisters

- The January 2022 Caravan Count recorded 2,893 caravans with no place to stop, therefore defining these households as statutorily homeless.
- According to the [Trussell Trust](#), 2.1 million emergency food parcels were provided to people in crisis by food banks in the Trussell Trust network alone in the financial year 2021/22.
- It is estimated that 2 million older households will not have enough income to cover essential spending in 2022/23.
- Responses to Greater Manchester Big Disability Survey 2022 (GMBD Survey 2022) indicate that a quarter of respondents have had to use a food bank, 68% have changed the food they eat to save money and 54% reported they were eating less.
- 23% of respondents to the GMBD Survey 2022 reported that they were not using digital services due to a lack of money.

### We want the Committee to ask the UK Government

- What steps are being taken to address the housing crisis including no-fault evictions, increasing the stock of social housing or genuinely affordable housing, addressing affordability and habitability, specific impacts faced by racially minoritised individuals and families in relation to housing, and the accessibility of culturally appropriate housing for Gypsy and Traveller people?

- What steps are being taken to address food insecurity and in particular how it impacts older people, people seeking asylum, those subject to NRPf, disabled people and children and families?
- What steps are being taken to address the barriers to accessing adequate clothing in the UK?
- What measures are planned to assist people experiencing fuel poverty as a result of the cost-of-living crisis?
- What steps are being taken to reduce the impact of digital exclusion?

According to the Trussell Trust, **2.1 million emergency food parcels were provided** to people in crisis by food banks in the Trussell Trust network alone in the financial year 2021/22.



# Article 12 – Right to health

Everyone has the right to the best standard of health possible for both their physical and mental health. The UK Government has to take steps to:

- Make sure fewer babies die, both before and after birth.
- Make sure children can grow up healthily.
- Improve the environments in which people live and work so that these do not hurt their health.
- Do what is needed to prevent, control, and treat diseases.
- Promote a health system so that everyone can get medical help when sick.

## What we told the Committee

- The right to health is being undermined by cuts to public health funding and the ongoing Covid-19 pandemic.
- Everyone living in the UK is allowed to register and consult with a GP, but some people including those seeking asylum, refugees, and Gypsy and Traveller people are at risk of not being able to.
- Not having a safe and secure home causes poor health outcomes for people.
- Trans people report being refused care because they are Trans and some LGBT+ people avoid seeking healthcare because they are scared of facing discrimination.
- People with learning disabilities, Gypsy & Traveller people, and people experiencing homelessness have significantly lower life expectancy rates than the rest of the population.
- The quality and accessibility of social care is falling, and people are having increasing difficulty employing Social Care Personal Assistants.
- Fear of being deported is a barrier to accessing health for some undocumented migrants, and charging regimes based on migration status is a particular concern for pregnant patients.
- The cost-of-living crisis is having a negative impact on people's mental health.

**14%** of Trans respondents to the Trans Lives Survey reported being refused care because they were Trans.



- Vaccine inequality continues to be a problem, particularly for Black and minority ethnic people, women, children, people experiencing homelessness, disabled people, migrants, and low-income employed people.

### Some numbers

- 14% of Trans respondents to the Trans Lives Survey reported being refused care because they were Trans.
- 6 out of 10 people with learning disabilities die before the age of 65.
- Gypsy and Traveller people have a life expectancy of 10-25 years less than the general population.
- The average age of death for men experiencing homelessness is 46 years and for women it is 42 years.
- 29% people reported the quality and accessibility of social care was worse than two years ago.

### We want the Committee to ask the UK Government

- What assessments have been made in relation to the charging regimes for pregnant people?
- What steps are being taken to address the issue of treatment delays for both mental and physical healthcare?
- What lessons have been learned from the Covid-19 pandemic and equal access to the vaccine?
- To explain their position on the use of DNACPR (or ‘Do Not Resuscitate’) orders, including during the Covid-19 pandemic?
- What steps are being taken to address issues with the right to health for Gypsy, Roma, and Traveller people – in particular the disproportionately high suicide rates?
- What steps are being taken to address waiting times for Trans people to receive medical treatment?
- What support is available for those experiencing extreme financial hardship so their right to health isn’t impacted?



**6 out of 10 people with learning disabilities die before the age of 65.**

# Article 13 – Right to education

Everyone has the right to receive an education. The purpose of education is to:

- Help people fully develop their personalities and understand their value as people.
- Understand their own rights, and to respect other people’s rights and differences.
- Help people to take part in the society that they live in and to live peacefully, and with respect for all.

To fulfil the right to education, governments must make sure:

- Primary education is compulsory and free to all, secondary education (in a variety of forms) should be available to everyone and, as time passes, it should be made free.
- Higher education should be available to everyone and, as time passes, it should be made free.
- People who have not finished primary education are able to access other forms of education.
- They develop the school system and continuously improve the conditions of teachers.

Finally:

- Parents and guardians have the freedom to choose which schools their children attend so long as those schools meet the government’s minimum education standards.
- Parents and guardians have the freedom to choose the religious and moral education of their children.

## What we told the Committee

- The right to education is being undermined by discrimination in access to education and equality in compulsory schooling age, including structural race discrimination against Black children and young people.
- Students experiencing racist bullying in school do not always feel able to report it or have confidence that teachers know how to address it and incidents are not being accurately recorded.

- Discrimination in education is experienced by disabled students with not enough provision being made for the needs of learning-disabled young people and unequal access to opportunity.
- English as an Additional Language funding in schools is not enough to support learner needs and attainment meaning not everyone is able to participate effectively in their right to education.
- The loss of ring-fenced funding for Gypsy, Roma and Traveller children means there is a loss of expertise and no requirement to focus on their needs which is a particular problem because Gypsy, Roma and Traveller children have the lowest education attainment at all stages of compulsory education and high exclusion rates.
- There is a need for proper implementation of equality laws and adequate protection of Trans pupils in school.
- The implementation of positive curriculum developments in Wales to support children and young people realise their right to education as ‘ethical and informed citizens of Wales and the world’ is being undermined by the cost-of-living crisis.
- The issue of Relationships and Sexuality Education is the subject of different views particularly in relation to religious exemptions and the right of parents to withdraw their children from classes or request teaching which is consistent with their religious convictions.
- Discrimination is being experienced in access to education in higher education.
- The high cost of university tuition remains an issue.

- Access for young people seeking asylum is particularly affected by the cost of higher education and restrictions on the right to work and there is a need for greater scholarship support.
- The loss of the Trade Union Learn Fund in England in 2021 has an impact on workers', including low paid and migrant workers, access to education.

### Some numbers

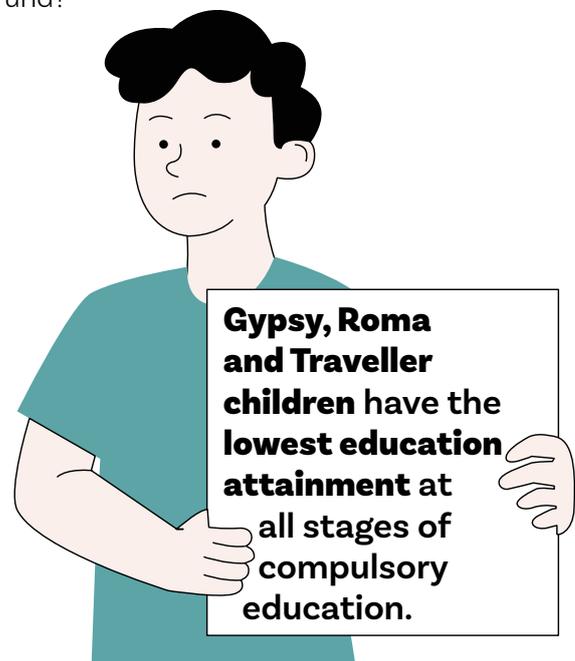
- 75% of children subject to strip searches in 2019-2021 were from ethnically diverse backgrounds.
- In 2022 the Children's Commissioner for England reported that 58% boys subject to a strip search by the Metropolitan Police (at various locations) were identified as Black by the searching officer.
- Gypsy, Roma, and Traveller children have the lowest education attainment at all stages of compulsory education.
- Gypsy/Roma children experience the highest permanent exclusion rates and Gypsy, Roma and Traveller children have amongst the highest rates of exclusion.
- Investment in adult education (excluding apprenticeships) fell by 47% between 2009/10 and 2018/19.
- 85% of pupils participating in workshops facilitated by Show Racism the Red Card in Wales reported experiencing racism in school or the community.
- The education inspectorate for Wales, Estyn, found that only a minority of schools in Wales keep useful records about bullying meaning there is a risk of a reporting gap and racist incidents being unrecorded.

### We want the Committee to ask the UK Government

- What steps are being taken to address discrimination and structural racism in the education system, including representation and diversity in the curriculum and in the sector?
- What steps are being taken to address equality of opportunity and expectations, including monitoring the impact of the absence of ring-

fenced funding and access to educational activities by low-income families in the cost-of-living crisis?

- What is being done to minimise the use of strip searches of Black children in the educational environment?
- What measures are under consideration for ensuring the right of education for learning disabled children and young people including equal opportunity of access to the curriculum?
- What is being done to address discriminatory bullying in schools, and what plans are there for training teachers and improving systems to record incidents of discriminatory bullying in schools?
- What is being done to address school exclusions, including steps to address the disproportionate impact of exclusions on certain groups of children, measures to support children disproportionately at risk of exclusion and the provision of a fair, independent, and accessible process for challenging unfair exclusions?
- What steps are being taken to ensure the right of young people to access higher education particularly ensuring the removal of barriers for low-income young people and young people seeking asylum?
- Following the removal of the Trade Union Learn Fund in England, how is the right to education, including equality of opportunity, being ensured for adults who previously benefited from the Fund?



# Timeline of process

---

The Pre-sessional Working Group, which we are preparing this report for, is one step in the whole ICESCR review process. Check out our table below for more information and dates for the rest of the process.

- STEP 1**  
*May 2022*

State Party Report: the UK Government sends in its 'State Party Report' - explaining to the Committee how it is achieving the rights in ICESCR.
- STEP 2**  
*Summer 2022 - 9 January 2023*

Parallel report to Pre-sessional Working Group (PSWG): Our civil society report is sent to the Committee, along with others. This report sets the scene on economic, social, and cultural rights in the UK, and helps the Committee develop questions to be included in the 'List of Issues' for the UK Government on rights in ICESCR.
- STEP 3**  
*6 - 10 March 2023*

Pre-sessional Working Group: a number of members of the Committee meet in Geneva to develop a 'List of Issues', this is a list of more information that they want from the UK Government.
- STEP 4**  
*At least 3 months before the review*

The UK Government responds to the List of Issues: and sends a written report on the issues raised.
- STEP 5**  
*At least 6 weeks before the review*

Further parallel reports are submitted by civil society groups, who can send in additional evidence to the Committee.
- STEP 6**  
*Spring/summer 2024*

'The Review': over a couple of days in Geneva the Committee examines all the evidence from the UK Government & civil society and questions are put to the UK Government.
- STEP 7**  
*About a month after the review.*

Concluding observations/recommendations: the Committee produces a report on the UK Government with recommendations for how the UK could better achieve the rights in ICESCR.



**justfair**

c/o Doughty Street Chambers,  
54 Doughty Street,  
London, WC1N 2LS  
[www.justfair.org.uk](http://www.justfair.org.uk)

**Send an email**

[Info@justfair.org.uk](mailto:Info@justfair.org.uk)

**Follow us on Twitter**

[@JustFairUK](https://twitter.com/JustFairUK)

**Like us on Facebook**

[JustFairUK](https://www.facebook.com/JustFairUK)

Registered as Economic, Social and Cultural Rights in the UK  
Charity number: 1141484  
Company number: 07394478